

REMARKS

By this amendment, Applicants amend claims 1, 4-12, 15-22, 25, 28, and 29, cancel claims 2, 3, 13, 14, 26, and 27 without prejudice or disclaimer, and adds new claims 35-38. Applicants further note that claims 23, 24, and 30-34 were previously cancelled in a response to a restriction requirement filed November 29, 2006. Accordingly, claims 1, 4-6, 8, 10-12, 15-17, 19, 21, 22, 25, 28, 29, and 35-38 are now pending in this application.

In the Office Action¹, the Examiner objected to the drawings as allegedly not showing every feature of the invention specified in the claims; objected to the specification due to the title including the word "improved" and because a summary section is not included in the specification; rejected claims 5 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-22 and 25-29 under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter; and rejected claims 1-22 and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over Sankaran et al. (U.S. Patent No. 5,832,484) in view of Bangel et al. (U.S. Patent No. 6,901,401).

I. OBJECTION TO THE DRAWINGS

Applicants respectfully traverse the objection to the drawings as allegedly not showing every feature of the invention specified in the claims. The drawings of the present application show the features of the pending claims, as amended herein. For

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

example, Applicants note that FIGs. 4 and 5 are flow diagrams showing examples of methods consistent with embodiments of the present invention. Accordingly, Applicants request that the Examiner withdraw the objection to the drawings.

II. OBJECTIONS TO THE SPECIFICATION

Although Applicants respectfully traverse the objections to the specification, in order to expedite prosecution, Applicants have amended the title as suggested by the Examiner and added a heading for a summary section to the specification. Accordingly, Applicants request that the Examiner to reconsider and withdraw the objections to the specification.

III. REJECTION OF CLAIMS 5 AND 9 UNDER § 112, ¶2

Although Applicants respectfully traverse the rejection of claims 5 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite, Applicants have amended claims 5 and 9 for further clarity. Accordingly, Applicants request that the Examiner withdraw the rejection of claims 5 and 9 under 35 U.S.C. § 112, second paragraph.

IV. REJECTION OF CLAIMS 1-22 AND 25-29 UNDER § 101

Applicants respectfully traverse the rejection of claims 1-22 and 25-29 under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter and note that with respect to cancelled claims 2, 3, 13, 14, 26, and 27, the rejection is moot.

Amended independent claim 1 recites a method including, in part, "detecting, by a computer, a new query" and amended independent claim 25 recites a system

including, among other things, "means for detecting, by a computer, a new query." Accordingly, Applicants submit that claims 1 and 25 are not drawn to "abstract ideas," as alleged by the Examiner, for at least the above reasons. Claims 4-11, 28, and 29 depend from claims 1 and 25 and, accordingly, are drawn to statutory subject matter at least due to their dependence.

Furthermore, independent claim 12 has been amended to recite a "computer readable-medium storing program instructions for performing a method of authorizing access to a human resources database." Applicants note that "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." MPEP § 2106(IV)(B)(1)(a). Applicants also note that "computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101 and must be examined under 35 U.S.C. §§ 102 and 103." In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995). Accordingly, Applicants submit that claim 12 is drawn to statutory subject matter for at least the above reasons. Claims 15-17, 19, 21, and 22 depend from claim 12 and, accordingly, are drawn to statutory subject matter at least due to their dependence.

V. REJECTION OF CLAIMS 1-22 AND 25-29 UNDER § 103(a)

Applicants respectfully traverse the rejection of claims 1-22 and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over Sankaran et al. in view of Bangel et al.

because a *prima facie* case of obviousness has not been established. Applicants note that with respect to cancelled claims 2, 3, 13, 14, 26, and 27, the rejection is moot.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim elements. See MPEP § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2. In this application, a *prima facie* case of obviousness has not been established for at least the reason that the applied references fail to teach or suggest each and every element of the claims.

Independent claim 1, as amended, recites a method for authorizing access to a database including, among other steps, “determining whether a user that submitted the new query is authorized to acquire a new lock on the set of database records, wherein the user is authorized if the user does not have a conflict of interest with respect to the set of database records.” Sankaran et al. and Bangel et al., whether taken alone or in any proper combination, do not teach or suggest at least these elements of claim 1.

In the Office Action, the Examiner admits Sankaran et al. does not teach “checking authorization.” See page 7. However, the Examiner contends that Bangel et al. teaches determining “write authorization.” See Office Action at page 8. Even if the Examiner’s contention is correct, which Applicants do not necessarily agree, Bangel et

al. does not compensate for the admitted deficiencies of Sankaran et al. for at least the following reasons.

Bangel et al. appears to be concerned with determining whether a user is allowed to access a local copy of a database. See Abstract. According to the Bangel et al. system, a “determination is made as to whether the user name was found as a user authorized to have local access to the database.” See col. 4, lines 9-11. Accordingly, while Bangel et al. appears to involve checking whether a user name is authorized to access a database, Bangel et al. does not teach or suggest at least “determining whether a user that submitted the new query is authorized to acquire a new lock on the set of database records, wherein the user is **authorized if the user does not have a conflict of interest with respect to the set of database records**,” as recited in claim 1 (emphasis added). Accordingly, Bangel et al. does not compensate for the admitted deficiencies of Sankaran et al.

For at least the above reasons, Sankaran et al. and Bangel et al., whether taken alone or in any proper combination, do not teach or suggest each and every element of claim 1. Therefore, a *prima facie* case of obviousness has not been established for claim 1 and the Examiner should withdraw the rejection of the claim under 35 U.S.C. § 103(a).

Independent claims 12 and 25, although of a different scope from claim 1 and each other, have been amended to include similar features as claim 1. Accordingly, a *prima facie* case of obviousness has not been established for claims 12 and 15 for at least the reasons discussed above in connection with claim 1. Claims 4-11, 15-22, 28, and 29 depend from independent claims 1, 12, and 25. Accordingly, a *prima facie* case

of obviousness has not been established for claims 4-11, 15-22, 28, and 29 at least due to their dependence. Therefore, the Examiner should also withdraw the rejection of claims 4-11, 15-22, 28, and 29 under 35 U.S.C. § 103(a).

VI. NEW CLAIMS 35-38

New independent claim 35 recites a method for making a preliminary determination of whether a user has authorization to access a set of database records including, among other steps, "determining whether the user has a chance of being authorized to acquire a new lock for the set of database records based on at least one of (a) write authorization and (b) a lack of conflict of interest; and denying the new lock if the user does not have a chance of being authorized." Sankaran et al. and Bangel et al., whether taken alone or in any proper combination, do not teach or suggest each and every element of new claim 35. Furthermore, new claims 36-38 depend from independent claim 35 and, accordingly, are also not taught or suggested by the applied references, alone or in any proper combination, at least due to their dependence. Accordingly, Applicants request that the Examiner allow new claims 35-38.

CONCLUSION

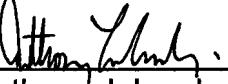
In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 24, 2007

By: 
Anthony J. Lombardi
Reg. No. 53,232